

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LENORZA EVANS,

Plaintiff,

-against-

NEW YORK CITY POLICE DEPARTMENT,  
et al.,

Defendants.

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**ORDER**

CV 10-1207 (JFB)(ARL)

**LINDSAY, Magistrate Judge:**

By order dated June 6, 2011, the district court referred that portion of the *pro se* plaintiff's letter application dated May 22, 2010 seeking limited discovery to the undersigned. Specifically, plaintiff requests that the court issue subpoenas for copies of plaintiff's medical records from the following institutions for the time frames indicated: (i) Jacobi Medical Center, Bronx, New York, for the month of September 2008; (ii) New York Police Department/New York City Corrections, Bellevue Medical Center, New York, New York, for years 2006 through 2008; (iii) The Vernon C. Bains Corrections Center Infirmary, Bronx, New York, for years 2006 through 2008; and (iv) Nassau University Medical Center, East Meadow, New York, for years (2008 through 2011). In addition, plaintiff seeks an unspecified extension of time to file an amended complaint and states that his incarceration has inhibited "his ability to meaningfully prosecute this matter." Defendants New York City Police Department and the New York City Department of Correction oppose the application by letter dated June 16, 2011. By letter dated June 16, 2011, the defendant Incorporated Village of Freeport Police Department responds that pursuant to plaintiff's authorizations executed on August 12, 2010, it obtained a copy of plaintiff's medical records from two institutions, viz. (1) Nassau University Medical Center, East Meadow, New York, for years 2007 through 2009; and (2) Veteran's Affairs Medical Center, New York, New York, for years 2007 through 2009, and has sent a redacted copy of these medical records via first class mail to plaintiff. Plaintiff's application is granted, in part.

The plaintiff's request for the court to issue subpoenas directing the above-listed institutions to provide him with a copy of his medical records is denied. Inasmuch as the requested documents are plaintiff's records, and as plaintiff acknowledges in his correspondence of May 22, 2010, plaintiff may request these records himself by submitting appropriate releases to each such institution. Plaintiff's request for an enlargement of time in which to file an amended complaint is granted. By order dated May 4, 2011, the district court ordered the plaintiff to file an amended complaint in this matter by June 30, 2011. Although plaintiff proffers that his incarceration has prevented him from fully prosecuting this action, the court notes that by letter dated May 27, 2011, he has advised the court that he is no longer in correctional custody and therefore this excuse is moot. Accordingly, the court will grant the plaintiff one final extension of time in which to file his amended complaint to July 29, 2011 and advises plaintiff that his failure

to file the amended complaint by this date will result in a report and recommendation that his case be dismissed for lack of prosecution.

Dated: Central Islip, New York  
June 21, 2011

**SO ORDERED:**

                         /s/                           
ARLENE R. LINDSAY  
United States Magistrate Judge